



AGENDA

STANDARDS COMMITTEE

Tuesday, 30th October, 2018, at 2.00 pm
Wantsum Room - Sessions House

Ask for: **Denise Fitch**
Telephone: **03000 416090**

Tea/Coffee will be available 15 minutes before the start of the meeting in the meeting room

Membership

Mrs A D Allen, MBE, Mr R H Bird, Mr J A Kite, MBE, Mr R C Love, Mr G Lymer,
Mr J P McInroy and Mr C Simkins

Please note: that the unrestricted part of this meeting may be filmed by any member of the public or press present.

By entering into this room you are consenting to being filmed. If you do not wish to have your image captured please let the Clerk know immediately.

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

1. Substitutes
2. Election of Chairman
3. Election of Vice-Chairman
4. Declarations of Interest
5. Minutes of the meeting held on 29 July 2015 (Pages 3 - 4)
6. Monitoring Officer's update (Pages 5 - 36)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Benjamin Watts
General Counsel
03000 416814

Monday, 22 October 2018

KENT COUNTY COUNCIL

STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held in the Wantsum Room - Sessions House on Wednesday, 29 July 2015.

PRESENT: Mr L B Ridings, MBE (Chairman), Mr D S Daley, Mrs E D Rowbotham and Mrs P A V Stockell (Substitute for Mrs A D Allen, MBE)

IN ATTENDANCE: Mr G Wild (Director of Governance and Law) and Mr P D Wickenden (Democratic Services Manager (Members))

UNRESTRICTED ITEMS

9. Membership Change - Mrs E Rowbotham for Mr W Scobie
(Item 1)

The Committee noted that Mrs E Rowbotham had replaced Mr W Scobie on the Committee.

10. Minutes of the meeting held on 29 November 2013
(Item 4)

RESOLVED that the Minutes of the meeting held on 29 November 2013 are correctly recorded and that they be signed by the Chairman.

11. Changes to the Hearing Panel Procedure for an alleged Breach of Misconduct by an Elected Member
(Item 5)

(1) At its meeting on 19 July 2012, the County Council approved the Kent Code of Conduct for elected Members, which came into operation retrospectively on 1 July 2012.

(2) Since the introduction of the Code, the Monitoring Officers had met on a regular basis to review its operation and to recommend any amendments if necessary.

(3) The Code is backed up by the operational arrangements agreed by the local authorities. Part of these operational arrangements refer to the hearing procedure which would be invoked should a complaint of alleged misconduct by an elected Member reach this stage.

(4) The Committee noted that the Monitoring Officers had recently met and agreed some minor amendments to the Hearing Panel which was appended to the report for the Committees approval.

(5) It had also been agreed at a recent meeting of the Monitoring Officers that an elected Member should declare under that part of the form headed 'employment' that

they are an elected Member of the County Council as well as any other local authority .

(6) RESOLVED that

(a) the amendments to the Hearing Panel Procedure in the operational arrangements for the Kent Code of Conduct for elected Members be approved; and

(b) elected Members be invited to declare their membership of any local authority on their declaration of Disclosable Pecuniary Interests form.

12. Kent Monitoring Officers - Mutual Assistance Protocol

(Item 6)

(1) The Kent Monitoring Officers (KMOs) agreed in 2012 a protocol to enhance the arrangements for the co-operation between Kent Monitoring Officers that allows for the creation of a cost effective and expeditious system whereby KMOs offer assistance to each other where, by reason of actual or likely conflicts of interest, non-availability, natural justice, or other reasons a Monitoring Officer is unable to carry out their functions with the Authority.

(2) The Protocol was agreed by all the district local authorities in Kent as well as Medway Council and the London Boroughs of Bromley and Bexley.

(3) The Director of Law and Governance had been signatory to the Protocol on behalf of the County Council.

(4) Attached to the report was a copy of the Protocol with some suggested amendments as agreed by the KMOs.

(5) RESOLVED that the Mutual Assistance Protocol as amended be endorsed.

By: Benjamin Watts - Monitoring Officer
To: Standards Committee – 30 October 2018
Subject: Monitoring Officer's Update
Classification: Unrestricted

Summary: This report sets out an update from the Monitoring Officer to the Standards Committee.

1 Introduction

(1) The County Council on 19 July 2012 adopted a new standards regime, as required by the Localism Act 2011 and established a Standards Committee with the Terms of Reference set out at Appendix A.

2 Kent Code of Conduct for Members

(1) The Kent Code of Conduct (copy attached at Appendix B) was adopted by the County Council on 12 December 2013 following consideration and recommendation by the Standards Committee.

Update on the Registration of Members Interests and declaring gifts and hospitality

(2) I can confirm that all Elected Members, in accordance with the Code of Conduct (paragraph 4 (1)), signed Disclosable Pecuniary Interest (DPI) forms within 28 days of becoming a Member of KCC. These forms should be updated by Members within 28 days of a change to their DPI. All DPI forms are uploaded onto each Member's KCC webpage and are available for public inspection.

(3) Other Significant Interests (OSI) declared by Members at meetings are recorded in the minutes for that meeting.

Code of Conduct training for County Members

(4) As part of the post-election induction for Members arrangements were made for both newly elected and re-elected Members to either attend a training session on the Members Code of Conduct or a one to one session with the Monitoring Officer/Deputy Monitoring Officer or Head of Democratic Services. There is a process in place to ensure that following any by-election Code of Conduct training is provided. Training was given to Mrs Hurst following her election at a by-election in January 2018.

Operation of Code of Conduct

(5) A function of this Committee is to receive, monitor and assess the operation and effectiveness of the arrangements for dealing with Member Code of Conduct Complaints.

(6) The Localism Act 2011 resulted in changes to the process for dealing with Code of Conduct complaints made against Elected Members. A copy of the procedure which, as Monitoring Officer, I am required to follow is set out in Appendix C.

(7) Attached as Appendix D is an overview of the Complaints received since May 2017 and the outcome or progress to date.

Registration of Gifts and Hospitality

(8) As part of the Code of Conduct Training Elected Members are made aware of the requirement under the Code to notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value, or annual cumulative value of £100 or more received and accepted in their role as an Elected Member. This notification must be made within 28 days of receipt of the gift or hospitality.

(9) The notification is made on a standard form which is then published on each individual Member's KCC webpage and available for public inspection. Currently 11 Members have submitted such a notification. Members, I have no reason to believe that there are any other notifications required which have not been submitted, but of course the onus is on the Elected Members to comply with this requirement.

3 Sub-Committee - Hearing Panel

(1) As set out in the Terms of Reference for the Standards Committee, Appendix A, part of the remit of the Committee is to appoint a sub-committee to deal with Code of Conduct complaints, following investigation by the Council's Monitoring Officer. This sub-committee is also referred to as a "Hearing Panel".

(2) The Hearing Panel Procedure is set out at Appendix E to this report. This Appendix includes the rules of procedure of the sub-committee and the range of possible sanctions available.

(3) The proposed Membership of the Standards Sub-Committee is set out in the Appendix to this report and consists of three voting elected Members drawn from the Standards Committee, one of whom shall be elected as Chairman.

4 Recommendations:

- (a) To note and comment on the actions, as set out in Appendix D, taken by the Monitoring Officer in dealing with complaints;
- (b) To approve the appointment of a sub-committee to deal with Code of Conduct complaints, following investigation by the Monitoring Officer;
- (c) To make any recommendations relevant to the Committee's role and function in promoting ethical conduct by Elected Members.

Officer: Denise Fitch

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Standards Committee – Terms of Reference

This committee is responsible for discharging the functions (other than those which are reserved to Council) as set out in Part 1, Chapter 7 of the Localism Act 2011, including:

- (a) To promote and maintain high standards of conduct by Members and Co-opted Members of the County Council and to make recommendations to Council on improving standards.
- (b) To advise the County Council on the adoption of or revisions to its Code of Conduct.
- (c) To advise, train or arrange to train County Members and Co-opted Members on matters relating to the Code of Conduct.
- (d) To assist the County Councillors and Co-opted Members to observe their respective Codes of Conduct.
- (e) To monitor and assess the operation and effectiveness of the Code of Conduct and to review and manage the Arrangements for dealing with Code of Conduct Complaints.
- (f) To advise on local ethical governance protocols and procedures.
- (g) To maintain oversight of the County Council's arrangements for dealing with Code of Conduct complaints.
- (h) To act as an advisory body in respect of ethical governance matters.
- (i) To monitor and review the procedures for the Register of Members' Interests and declaring gifts and hospitality.
- (j) To receive reports from the Monitoring Officer on the number and nature of complaints received and action taken as a result in consultation with the Independent Person.
- (k) To receive an annual report on the County Council's ethical governance arrangements.
- (l) To appointment a sub-committee to deal with Code of Conduct complaints, following investigation.
- (m) To grant dispensations pursuant to section 33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct where:
 - (i) without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter; or

- (ii) that the authority considers that the dispensation is in the interests of persons living in its area; or
- (iii) where the Committee considers that it is otherwise appropriate to grant a dispensation.

Kent Code of Conduct for Members
(adopted by the Council on 12 December 2013)

Preamble

- (A) The Code of Conduct that follows is adopted under section 27(2) of the Localism Act 2011.
- (B) The Code is based on the Seven Principles of Public Life under section 28(1) of the Localism Act 2011, which are set out below.
- (C) This Preamble and the Seven Principles of Public Life do not form part of the Code, but you should have regard to them as they will help you to comply with the Code.
- (D) If you need guidance on any matter under the Code, you should seek it from the Monitoring Officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.
- (E) In accordance with section 34 of the Localism Act 2011, where you have a Disclosable Pecuniary Interest it is a criminal offence if, without reasonable excuse, you:
 - (i) Fail to notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the day on which you became a member.
 - (ii) Fail to disclose the interest at Meetings where the interest is not entered in the Authority's register.
 - (iii) Fail to notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of disclosure at a meeting, if the interest is not entered in the Authority's register and is not the subject of a pending notification.
 - (iv) Take part in discussion or votes, or further discussions or votes, at Meetings on matters in which you have the interest which are being considered at the meeting.
 - (v) Fail to notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date when you become aware that you have such an interest in a matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority.
 - (vi) Take any step in relation to a matter being dealt with by you acting alone in the course of discharging a function of the Authority, except a step for the purpose of enabling the matter to be dealt with otherwise than by you.
 - (vii) Knowingly or recklessly provide false or misleading information in any of the above disclosures or notifications.
- (F) Any written allegation received by the Authority that you have failed to comply with the Code will be dealt with under the arrangements adopted by the Authority for

such purposes. If it is found that you have failed to comply with the Code, the Authority may have regard to this failure in deciding whether to take action and, if so, what action to take in relation to you.

THE CODE

1. Interpretation

In this Code:

“Associated Person” means (either in the singular or in the plural):

- (a) a family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- (b) any person or body who employs or has appointed you or such persons, any firm in which you or they are a partner, or any company of which you or they are directors; or
- (c) any person or body in whom you or such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- (e) any body in respect of which you are in a position of general control or management:
 - (i) exercising functions of a public nature; or
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

“Authority” means the Kent County Council.

“Authority Function” means any one or more of the following interests that relate to the functions of the Authority:

- (a) housing - where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease; or
- (b) school meals or school transport and travelling expenses - where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which your child attends;
- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - where you are in receipt of, or are entitled to the receipt of, such pay;
- (d) an allowance, payment or indemnity given to members of the Authority;
- (e) any ceremonial honour given to members of the Authority;
- (f) setting council tax or a precept under the Local Government Finance Act 1992.

“Code” means this Code of Conduct.

“Co-opted Member” means a person who is not an elected member of the Authority but who is a member of:

- (a) any committee or sub-committee of the Authority, or
- (b) and represents the Authority on, any joint committee or joint sub-committee of the Authority; and
- (c) who is entitled to vote on any question that falls to be decided at any Meeting.

“Disclosable Pecuniary Interest” means those interests of a description specified in regulations made by the Secretary of State (as amended from time to time) as set out below and where either it is:

- (a) your interest or
- (b) an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners and provided you are aware that the other person has the interest.

“Interests” means Disclosable Pecuniary Interests and Other Significant Interests.

“Meeting” means any meeting of:

- (a) the Authority;
- (b) the executive of the Authority;
- (c) any of the Authority's or its executive's committees, sub-committees, joint committees and/or joint sub-committees.

“Member” means a person who is a member of the Authority and includes a Co-opted Member.

“Other Significant Interest” means an interest (other than a Disclosable Pecuniary Interest or an interest in an Authority Function) in any business of the Authority which:

- (a) may reasonably be regarded as affecting the financial position of yourself and/or an Associated Person to a greater extent than the majority of:
 - (i) other council tax payers, ratepayers or inhabitants of the electoral division affected by the decision; or
 - (ii) (in other cases) other council tax payers, ratepayers or inhabitants of the Authority's area; or
- (b) relates to the determination of your application (whether made by you alone or jointly or on your behalf) for any approval, consent, licence, permission or registration or that of an Associated Person;

and where, in either case, a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice your judgment of the public interest.

“Register of Members’ Interests” means the Authority's register of Disclosable

Pecuniary Interests established and maintained by the Monitoring Officer under section 29 of the Localism Act 2011.

“Sensitive Interest” means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

Scope

2. You must comply with this Code whenever you act in your official capacity as a Member or Co-opted Member of the Authority.

General obligations

3. (1) You must, when using or authorising the use by others of the resources of the Authority:
 - (a) act in accordance with the Authority's reasonable requirements; and
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes).
- (2) You must not:
 - (a) bully any person;
 - (b) intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with this Code;
 - (c) do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Authority;
 - (d) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the written consent of a person authorised to give it; or
 - (ii) you are required by law to do so; or
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the Authority;
 - (e) prevent another person from gaining access to information to which that person is entitled by law;
 - (f) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute;
 - (g) use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

Registering Disclosable Pecuniary Interests

4. (1) You must, before the end of 28 days beginning with the day you become a Member or Co-opted Member of the Authority, or before the end of 28 days beginning with the day on which this Code takes effect (whichever is the later), notify the Monitoring Officer of any Disclosable Pecuniary Interest.

- (2) In addition, you must, before the end of 28 days beginning with the day you become aware of any new Disclosable Pecuniary Interest or change to any interest already registered, register details of that new interest or change, by providing written notification to the Monitoring Officer.
- (3) Where you have a Disclosable Pecuniary Interest in any matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter), then if the interest is not registered in the Register of Members' Interests and is not the subject of a pending notification, you must notify the Monitoring Officer before the end of 28 days beginning with the day you become aware of the existence of the interest.
5. (1) Whether or not a Disclosable Pecuniary Interest has been entered onto the Register of Members' Interests or is the subject of a pending notification, you must comply with the disclosure procedures set out below.
- (2) Where you are present at a Meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the Meeting, you must:
- (a) disclose the Interest; and
 - (b) explain the nature of that Interest at the commencement of that consideration or when the Interest becomes apparent (subject to paragraph 6, below); and unless you have been granted a dispensation or are acting under para 5(4):
 - (c) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
 - (d) withdraw from the Meeting room in accordance with the Authority's Procedure Rules whenever it becomes apparent that the business is being considered; and
 - (e) not seek improperly to influence a decision about that business.
- (3) Where you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Authority where you are acting alone in the course of discharging a function of the Authority (including making an executive decision), you must:
- (a) notify the Monitoring Officer of the interest and its nature as soon as it becomes apparent; and
 - (b) not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by you; and
 - (c) not seek improperly to influence a decision about the matter.
- (4) Where you have an Other Significant Interest in any business of the Authority, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose. Having made your representations, given evidence or answered questions you must:
- (a) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
 - (b) withdraw from the Meeting room in accordance with the Authority's Procedure Rules.

Sensitive Interests

6. (1) Where you consider that the information relating to any of your Disclosable Pecuniary Interests is a Sensitive Interest, and the Monitoring Officer agrees, the Monitoring Officer will not include details of the Sensitive Interest on any copies of the Register of Members' Interests which are made available for inspection or any published version of the Register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.
- (2) You must, before the end of 28 days beginning with the day you become aware of any change of circumstances which means that information excluded under paragraph 6(1) is no longer a Sensitive Interest, notify the Monitoring Officer asking that the information be included in the Register of Members' Interests.
- (3) The rules relating to disclosure of Interests in paragraphs 5(2) and (3) will apply, save that you will not be required to disclose the nature of the Sensitive Interest, but merely the fact that you hold an interest in the matter under discussion.

Gifts and Hospitality

7. (1) You must, before the end of 28 days beginning with the day of receipt/acceptance, notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £100 or more, or a series of gifts, benefits and hospitality from the same or an associated source, with an estimated cumulative value of £100 or more, which are received and accepted by you (in any one calendar year) in the conduct of the business of the Authority, the business of the office to which you have been elected or appointed or when you are acting as representative of the Authority. You must also register the source of the gift, benefit or hospitality.
- (2) Where any gift, benefit or hospitality you have received or accepted relates to any matter to be considered, or being considered at a Meeting, you must disclose at the commencement of the Meeting or when the interest becomes apparent, the existence and nature of the gift, benefit or hospitality, the person or body who gave it to you and how the business under consideration relates to that person or body. You may participate in the discussion of the matter and in any vote taken on the matter, unless you have an Other Significant Interest, in which case the procedure in paragraph 5 above will apply.
- (3) You must continue to disclose the existence and nature of the gift, benefit or hospitality at a relevant Meeting, for 3 years from the date you first registered the gift, benefit or hospitality.
- (4) The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

Dispensations

8. (1) The Standards Committee, or any sub-committee of the Standards Committee, or the Monitoring Officer (where authorised) may, on a written request made to the Monitoring Officer (as appointed Proper Officer for the receipt of applications for dispensation) by a Member with an Interest, grant a dispensation relieving the Member from either or both of the restrictions on participating in discussions and in voting (referred to in paragraph 5 above).
- (2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the Standards Committee, its sub-committee, or the Monitoring Officer (where authorised) considers that:

- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
 - (b) without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
 - (c) granting the dispensation is in the interests of persons living in the Authority's area; or
 - d) without the dispensation each member of the Authority's executive would be prohibited from participating in any particular business to be transacted by the Authority's executive; or
 - (e) it is otherwise appropriate to grant a dispensation.
- (3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.
- (4) Paragraph 5 above does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph 8.

Procedure On Receipt Of A Complaint

1. Preliminary tests

1.1 The complaint will be assessed by the Monitoring Officer alone or in consultation with the Independent Person against the legal jurisdiction test in paragraph 1.2 and, if applicable, the local assessment criteria test in paragraph 1.4 below.

1.2 Legal jurisdiction criteria test:

- (a) Did the alleged conduct occur before the adoption of the Code of Conduct?
- (b) Was the person complained of a member of the County Council at the time of the alleged conduct?
- (c) Was the person complained of acting in an official capacity at the time of the alleged conduct?
- (d) Did the alleged conduct occur when the person complained of was acting as a member of another authority?
- (e) If the facts could be established as a matter of evidence, could the alleged conduct be capable of a breach of the Code of Conduct?
- (f) The complaint is about dissatisfaction with the County Council's decisions, policies and priorities, etc.

1.3 If the complaint fails one or more of the jurisdiction tests, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, normally within 10 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision.

1.4 Local assessment criteria test:

If the complaint satisfies the jurisdiction test, the Monitoring Officer will then apply the following local assessment criteria test:

- (a) The complaint is a 'repeat complaint', unless supported by new or further evidence substantiating or indicating that the complaint is exceptionally serious or significant;
- (b) The complaint is anonymous;
- (c) No or insufficient information/evidence to substantiate the complaint has been submitted by the Complainant;
- (d) The complaint is malicious, trivial, politically motivated or 'tit-for-tat';
- (e) The Complainant is unreasonably persistent, malicious and/or vexatious;
- (f) The alleged misconduct happened more than 3 months ago;
- (g) The complaint is relatively minor and dealing with the complaint would have a disproportionate effect on both public money and officers' and Members' time;
- (h) The circumstances have changed so much that there would be little benefit arising from an investigation or other action;
- (i) The complaint has been the subject of an investigation or other action and there is nothing more to be gained by further action being taken;
- (j) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. where there is no firm evidence on the matter;
- (k) The complaint is about a deceased person;

(l) The complaint is about a person who is no longer a County Councillor or Co-opted Member.

1.5 If one or more of the local assessment criteria applies to the complaint, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, normally within 10 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision.

2. Notification of complaint to Subject Member

2.1 As a matter of fairness and natural justice, the Subject Member will be told who the Complainant is and will also receive details of the complaint.

2.2 The Subject Member may submit initial views on the complaint, normally within 10 working days of receipt of the details of the complaint from the Monitoring Officer. These views will be taken into account by the Monitoring Officer when deciding how to deal with the complaint (see paragraph 4 below).

3. Asking for additional information

3.1 The Monitoring Officer may ask the Complainant and the Subject Member for additional information before deciding how to deal with the complaint.

4. What process to apply - informal resolution or investigation and/or no action?

4.1 The Monitoring Officer may at any stage (whether without the need for an investigation or before or after the commencement or conclusion of an investigation) seek to resolve the complaint informally in accordance with paragraph 5 below. Where the Subject Member or the Monitoring Officer make a reasonable offer of informal resolution, but the Complainant is not willing to accept this offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

4.2 The Monitoring Officer, in consultation with the Independent Person and the Chairman of the Standards Committee, may refer the complaint for investigation when:

(a) it is serious enough, if proven, to justify the range of sanctions available to the Standards Committee (see paragraph 5 of Appendix E to these Arrangements);

(b) the Subject Member's behaviour is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the County Council and there is no other avenue left to deal with it short of investigation. In considering this, the Monitoring Officer may take into account the time that has passed since the alleged conduct occurred.

4.3 Where the complaint is referred for investigation, the Monitoring Officer will appoint an Investigating Officer who will conduct the investigation in accordance with the procedure at Annex 2 to these Arrangements.

4.4 If the complaint identifies potential criminal conduct or potential breach of other regulations by the Subject Member or any other person, the Complainant may be advised by the Monitoring Officer to report the complaint to the police or other prosecuting or regulatory authority. Alternatively, the Monitoring Officer will consider the complaint against the legal jurisdiction criteria test and if the complaint passes that test they may pass the complaint to the police. Where a complainant has been advised to refer a matter to the police or the Monitoring Officer has referred the matter to the police the complaints

process under these Arrangements will be suspended, pending a decision/action by the police or other prosecuting or regulatory authority. Where the police or other prosecuting or regulatory authority decide to take no action on the complaint, the Monitoring Officer will lift the suspension and, in consultation with the Independent Person, will apply the local assessment criteria test in paragraph 1.4 above.

- 4.5 The Monitoring Officer, in consultation with the Independent Person, will take no action on the complaint when one or more of the following apply:
- (a) on-going criminal proceedings or a police investigation into the Subject Member's conduct;
 - (b) investigation cannot be proceeded with, without investigating similar alleged conduct or needing to come to conclusions of fact about events which are also the subject of some other investigation or court proceedings;
 - (c) the investigation might prejudice another investigation or court proceedings;
 - (d) genuine long term (3 months or more) unavailability of a key party;
 - (e) serious illness of a key party.
- 4.6 Normally within 20 working days of receipt of the complaint, the Monitoring Officer will notify the Complainant, Subject Member of their decision and reasons for applying one of the following processes in the format of the Decision Notice template (appended to this Annex 1:
- (a) not to refer the complaint for investigation; or
 - (b) to refer the complaint for investigation; or
 - (c) to apply the informal resolution process either before or after an investigation; or
 - (d) to refer the complaint to the relevant political group leader for action.
- 4.7 The decision notice will be published on the County Council's website. There is no right of appeal against the Monitoring Officer's decision. However, if the Complainant submits additional relevant information, the Monitoring Officer will consider and decide if the matter warrants further consideration under these Arrangements, in which case it shall be treated as a fresh complaint.

5. Informal resolution

- 5.1 The Monitoring Officer may, after consultation with the Independent Person, seek to resolve a complaint informally at any stage in the process, whether without the need for an investigation or before or after an investigation has been commenced or concluded. In so doing, the Monitoring Officer will consult with the Complainant and the Subject Member to seek to agree what they consider to be a fair resolution, which will help to ensure higher standards of conduct for the future.
- 5.2 Informal resolution may be the simplest and most cost-effective way of resolving the complaint and may be appropriate where:
- (a) The Subject Member appears to have a poor understanding of the Code of Conduct and/or related County Council procedures; or

- (b) There appears to be a breakdown in the relationship between the Complainant and the Subject Member; or
- (c) The conduct complained of appears to be a symptom of wider underlying conflicts which, if unresolved, are likely to lead to further misconduct or allegations of misconduct; or
- (d) The conduct complained of appears common to a number of members of the County Council, demonstrating a lack of awareness, experience or recognition of the particular provisions of the Code of Conduct and/or other County Council procedures, etc; or
- (e) The conduct complained of appears to the Monitoring Officer not to require a formal sanction; or
- (f) The complaint appears to reveal a lack of guidance, protocols and procedures within the County Council; or
- (g) The Complainant and the Subject Member are amenable to engaging in an informal resolution; or
- (h) The complaint consists of allegations and retaliatory allegations between councillors; or
- (i) The complaint consists of allegations about how formal meetings are conducted; or
- (j) The conduct complained of may be due to misleading, unclear or misunderstood advice from officers.

5.3 Informal resolution may consist of one or more of the following actions, which do not have to be limited to the Subject Member, but may extend to other members, including the whole County Council where it may be useful to address systemic behaviour:

- (a) training;
- (b) conciliation/mediation;
- (c) mentoring;
- (d) apology;
- (e) instituting changes to the County Council's procedures;
- (f) conflict management;
- (g) development of the County Council's protocols;
- (h) other remedial action by the County Council;
- (i) other steps (other than investigation) if it appears appropriate to the Monitoring Officer in consultation with the Independent Person.

5.4 If the Subject Member is agreeable to and complies with the informal resolution process, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action against the Subject Member.

5.5 Where the Subject Member will not participate in the informal resolution process or if, having agreed to one or more actions under the informal resolution process, the Subject Member refuses or fails to carry out any agreed action, the Monitoring Officer will report the matter to the Standards Committee.

Procedure For Investigating The Complaint

1. Preliminaries

1.1 The Investigating Officer will be appointed by the Monitoring Officer and will be aware of their obligations under the Data Protection Act 1998, Equality Act 2010, the Human Rights Act 1998 and other relevant legislation.

1.2 The Investigating Officer is responsible for gathering all the facts, documents and, where applicable, for interviewing witnesses with knowledge of the facts, and they should remain objective, impartial and unbiased at all times.

1.3 The Subject Member and the Complainant will be advised that the investigation is for fact finding purposes only.

1.4 Witnesses will be identified at the investigation stage and their evidence supported by signed and dated witness statements and/or notes of interview with the Investigating Officer. The Investigating Officer cannot compel the attendance of witnesses or their co-operation.

1.5 The Investigating Officer will not make recommendations on sanctions.

1.6 Within 10 working days of being appointed, the Investigating Officer will notify the Subject Member and the Complainant of their appointment and:

- (a) provide details of the complaint to the Subject Member;
- (b) detail the procedure to be followed in respect of the investigation and the relevant timescales for responses and concluding the investigation;
- (c) detail the sections of the Code of Conduct that appear to be relevant to the complaint;
- (d) request contact details of any potential witnesses;
- (e) require that confidentiality is maintained and that details of the complaint not be disclosed to any third party, unless disclosure is to a representative, witness, immediate family members or otherwise as may be required by law or regulation. However, the fact that an investigation is being conducted does not need to remain confidential.

1.7 It may be necessary for the Investigating Officer to agree with the Subject Member which documents will be submitted in evidence. This will generally include documents that will be relied on, or in support of, the Subject Member's case and which are relevant to the complaint.

1.8 The Investigating Officer may terminate their investigation at any point, where they are satisfied that they have sufficient information to enable them to report to the Monitoring Officer or Hearing Panel.

2. The draft report

2.1 On the conclusion of their investigation the Investigating Officer will issue a draft report (clearly labelled 'DRAFT') to the Monitoring Officer for review.

2.2 Following review by the Monitoring Officer, the draft report will be sent in confidence to the Subject Member and the Complainant (not witnesses) for comment. The draft report will be clearly labelled 'CONFIDENTIAL' and will detail:

- (a) the relevant provisions of the law and the relevant paragraphs of the Code of Conduct;
- (b) a summary of the complaint;
- (c) the Subject Member's response to the complaint;
- (d) relevant information, explanations, etc, which the Investigation Officer has obtained in the course of the investigation;
- (e) a list of any documents relevant to the matter;
- (f) a list of those persons/organisations who have been interviewed;
- (g) a statement of the Investigating Officer's draft findings of fact and reasons;
- (h) the Investigating Officer's conclusion as to whether the Subject Member has or has not failed to comply with the Authority's Code of Conduct;
- (i) that the Investigating Officer will present a final report once they have considered any comments received on the draft.

2.3 Once the Investigating Officer has received any responses from the Subject Member and/or the Complainant, they will finalise the draft report and make their final conclusions and recommendations to the Monitoring Officer. The report will be clearly labelled 'FINAL'.

3. Consideration of Investigating Officer's final report

3.1 The Monitoring Officer will review the Investigating Officer's final report and any comments submitted by the Parties, in consultation with the Independent Person.

3.2 Where, on the basis of the Investigating Officer's report, the Monitoring Officer, having consulted with the Independent Person, concludes that there is no evidence of a failure to comply with the Code of Conduct; they will inform the Parties in writing that no further action is considered necessary. There is no right of appeal against the Monitoring Officer's decision.

3.3 Where, on the basis of the Investigating Officer's report, the Monitoring Officer, having consulted with the Independent Person, concludes that there is evidence of a failure to comply with the Code of Conduct, they will either:

- (a) take no action or
- (b) seek informal resolution or
- (c) refer the matter for consideration by the Hearing Panel in accordance with the relevant procedure detailed in Annex 3 to these Arrangements.

APPENDIX D

| Date of Complaint | Description | Investigated By | Advice of Independent Person | Outcome |
|---------------------|---|-----------------|---|-------------------------|
| 14.09.18 | Complaint that a Member had used inflammatory language and bullish behaviour when reporting an incident in an article written for a local parish newsletter and website. NOTE: this was the third complaint about the same article. | Ben Watts | Sought on 26/09/18 and provided on 01/10/18 - although the language used could be considered excessive, no breach had taken place. Member given advice on appropriate use of language | Awaiting final decision |
| Page 23 10.09.18 | Complaint that a Member had used inflammatory language and bullish behaviour when reporting an incident in an article written for a local parish newsletter and website: NOTE: this was the second complaint about this article. | Ben Watts | Sought on 26/09/18 and provided on 01/10/18 - although the language used could be considered excessive, no breach had taken place. Member given advice on appropriate use of language | Awaiting final decision |
| 29.08.18 | Complaint that a Member had put an inappropriate post on social media claiming officers and councillors of a District Council had duped supporters of a planning application | Ben Watts | Not as yet | Awaiting final decision |

| Date of Complaint | Description | Investigated By | Advice of Independent Person | Outcome |
|-------------------|--|-----------------|---|---|
| 03.09.18 | Complaint that a Member of the Council had used inflammatory language and bullish behaviour when reporting an incident in an article written for a local parish newsletter and website. NOTE: this was the first complaint about this article. | Ben Watts | Sought on 26/09/18 and provided on 01/10/18 - although the language used could be considered excessive, no breach had taken place. Member given advice on appropriate use of language | Awaiting final decision |
| 03.08.18 | Complaint that a Member of the Council was spoke down to an individual after a meeting and forwarded on a private email in breach of GDPR. | Ben Watts | Sought on 01/10/18 and provided on 03/10/18 - no beach of code of conduct or GDPR | Awaiting final decision |
| Page 24 07.18 | Complaint that a Member of the Council had made allegations of fraud and corruption in relation to a senior officer of a local District Council | Ben Watts | Sought on 31/07/18 and provided on 01/08/18 - no breach as a member of the public had made the allegation and Member was asking questions. | 02.10.18 - letter confirming no breach and no further action to be taken |
| 10.07.18 | Complaint that a Member of the Council was interfering with the complainant seeing their grandchildren and various other complaints about other persons and organisations | Ben Watts | Sought on 23/07/18 and provided on 23/07/18 - no discernible complaint had been made under the Member Code of Conduct so it could not be investigated further. | 02.10.18 - Letter confirming no discernible complaint under the code of conduct had been made and so no further action could be taken |
| 09.07.18 | Complaint that a Member of the Council had made threats against and insulted the complainant | Ben Watts | Not sought | 19.07.18 - complaint was withdrawn |
| 24.05.18 | Complaint that a Member of the Council and a senior officer had made allegations about the complainant which had resulted in damage to reputation | Ben Watts | Ben Watts was consulting with the Independent Person | |

| Date of Complaint | Description | Investigated By | Advice of Independent Person | Outcome |
|---------------------|---|-----------------|--|---|
| 21.05.18 | Complaint that a Member of the Council had made financial gain from position on the board of a charitable organisation and received preferential treatment for a family member, in breach of Charity Commission Regulations | Ben Watts | Sought 24/05/18 and provided on 25/05/18 - No breach of the code of conduct and KCC cannot investigate the allegations in relation to the Charity Commission. These should be made direct to the Charity Commission by the complainant | 19.06.18 - Letter confirming no breach of the code of conduct and if the complainant believed Charity Commission regulations had been broken he needed to refer the matter to them. NOTE: The complainant was unhappy with the response and has asked for reasons for the decision to be provided. Ben Watts has spoken to the complainant and the matter is ongoing |
| Page 25 20.05.18 | Complaint that a Member of the Council had ignored contact and requests for an update on a highways matter | Ben Watts | Not sought | 22.06.18 - Letter confirming the Member concerned had been in ill health and unable to respond. NOTE: The Highways query was sent on to Highways colleagues and got a response for the complainant on the original matter raised. |
| 20.04.18 | Complaint that a Member of the Council made accusatory comments in a post on social media against a local Borough Council | Ben Watts | Not sought | |
| 20.04.18 | Complaint that a Member of the Council made derogatory comments about the complainant in a local Parish Council Meeting | Ben Watts | Sought 12/07/18 and provided 13/07/18 - no breach of code of conduct on the evidence submitted as comments made were ambiguous | 09.08.18 - Letter confirming no breach of the code of conduct had taken place and no further action would be taken. NOTE: Advice given to Member concerned about making ambiguous comments in meetings |

| Date of Complaint | Description | Investigated By | Advice of Independent Person | Outcome |
|-------------------|--|--------------------------|--|---|
| 05.03.18 | Complaint that a Member of the Council had made inappropriate comments and posts about the complainant on social media | Paul Wickenden | Sought 05.03.18 and provided 07.03.18 that no breach had taken place as the Member concerned was not acting as a Member at the time and was posting opinion of another individual on his private social media account | 20.04.18 - Letter confirming no breach of the code of conduct and no further action would be taken |
| 01.02.18 | Complaint that a Member made an inaccurate report of a meeting on social media | Ben Watts/Paul Wickenden | Not sought | 25.04.18 - Paul confirmed matter closed and no further action taken |
| Page 26 02.18 | Complaint that a Member had contacted the complainant's employer following a social media exchange and made threats to remove support if the complainant was not 'spoken to' | Ben Watts/Paul Wickenden | Sought 27.04.18 and provided 30.04.18 - No breach of the code of conduct had taken place as all the information was readily available on the complainant's Facebook page and no evidence was provided of the conversation which allegedly took place between the Member and the complainant's employer | 01.05.18 - Letter confirming that no evidence was provided, there had been no breach of the code of conduct and no further action would be taken. |
| 06.11.17 | Complaint that a Member of the Council had behaved inappropriately, visited the complainant's home, and refused to leave. | Paul Wickenden | Not sought | 09.03.18 - Paul advised that he had spoken to the Member concerned, the Member had apologised to the complainant and the matter was concluded |
| 16.10.17 | Complaint that a Member of the Council had spoken to the complainant in a demeaning manner following a public meeting | Paul Wickenden | Not sought | 29.11.17 - case suspended whilst awaiting fully completed complaint form from the complainant. 05.01.18 - Case closed as no further contact from complainant |

| Date of Complaint | Description | Investigated By | Advice of Independent Person | Outcome |
|-------------------|---|--------------------------|--|--|
| 13.10.17 | Complaint about a Member of the Council's conduct at a local Parish Council meeting, which had been perceived as bullying | Ben Watts/Paul Wickenden | Sought 26.10.17 and provided 26.10.17 with clarification sought 27.10.17 - although the Member could be construed as having behaved badly at the meeting it did not constitute a breach of the code of conduct | 11.04.18 - Letter confirming that the complaint passed the legal jurisdiction test but failed the local criteria test in that it was relatively minor and would have a disproportionate effect on both public money and officer time. Words of advice were given to the Member concerned to moderate his conduct in the future |

Hearing Panel Procedure

1. Pre-Hearing Procedure

1.1 In order to allow the hearing to proceed fairly and efficiently, the Monitoring Officer may in appropriate cases use a pre-hearing procedure to: -

- Identify which facts in the investigation report are agreed and which are in dispute.
- Determine whether any fresh evidence not mentioned in the investigation report may be put before the hearing.
- Determine whether documentary evidence which a party wishes to put before the hearing is admissible.
- Establish whether the parties intend to attend; whether the parties intend to be represented in accordance with paragraph 2 and, if so, by whom; and the number and identity of witnesses to be called.
- Determine whether the whole or any part of the hearing should be held in private.
- Determine whether the whole or any part of the investigation report or other relevant documents should be withheld from the public.

1.2 The Monitoring Officer will notify the parties of the date, time and place for the hearing.

2. Rules of procedure

2.1 The Hearing Panel consists of three voting elected Members drawn from the Standards Committee, one of whom shall be elected as Chairman

2.2 The quorum for a meeting of the Hearing Panel is three elected Members.

2.3 The Independent Person's views must be sought and taken into consideration before the Hearing Panel takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any sanction to be taken following a finding of failure to comply with the Code of Conduct. The Independent Person should normally be present throughout the hearing (but not during the deliberations of the Hearing Panel in private) but in the event that this is not possible, may instead submit their views on the complaint to the Hearing Panel in writing.

2.4 The legal requirements for publishing agendas, minutes and calling meetings, will apply to the Hearing Panel. The hearing will be held in public no earlier than 14 working days after the Monitoring Officer has copied the Investigating Officer's final report to the complainant and the Subject Member. Schedule 12A Local Government Act 1972 (as amended) will be applied to exclude the public and press from meetings of the Hearing Panel where it is likely that confidential or exempt information will be disclosed.

2.5 Once a hearing has started, the County Council's Rules of Substitution do not apply to the Hearing Panel's proceedings.

- 2.6 All matters/issues before the Hearing Panel will be decided by a simple majority of votes cast, with the Chairman having a second or casting vote.
- 2.7 Where the Subject Member fails to attend the Hearing Panel and where the Hearing Panel is not satisfied with their explanation for their absence from the hearing, the Hearing Panel may in the first instance, have regard to any written representations submitted by the Subject Member and may resolve to proceed with the hearing in the Subject Member's absence and make a determination or, if satisfied with the Subject Member's reasons for not attending the hearing, adjourn the hearing to another date. The Hearing Panel may resolve in exceptional circumstances, that it will proceed with the hearing on the basis that it is in the public interest to hear the allegations expeditiously.¹
3. Right to be accompanied by a representative
- 3.1 The Subject Member may choose to be accompanied and/or represented at the Hearing Panel by a fellow councillor, friend or colleague.
4. The conduct of the hearing
- 4.1 Subject to paragraph 4.2 below, the order of business will be as follows:
- (a) elect a Chairman;
 - (b) apologies for absence;
 - (c) declarations of interests;
 - (d) in the absence of the Subject Member, consideration as to whether to adjourn or to proceed with the hearing (refer to paragraph 1.11 above);
 - (e) introduction by the Chairman, of members of the Hearing Panel, the Independent Person, Monitoring Officer, Investigating Officer, legal advisor, complainant and the Subject Member and their representative;
 - (f) to receive representations from the Monitoring Officer and/or Subject Member as to whether any part of the hearing should be held in private and/or whether any documents (or parts thereof) should be withheld from the public/press;
 - (g) to determine whether the public/press are to be excluded from any part of the meeting and/or whether any documents (or parts thereof) should be withheld from the public/press.
- 4.2 The Chairman may exercise their discretion and amend the order of business, where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.
- 4.3 The Hearing Panel may adjourn the hearing at any time.
- 4.4 **Presentation of the complaint**
- (a) The Monitoring Officer, legal advisor or chairman may each make an introductory statement outlining the nature of the complaint and the purpose of the hearing, and the procedure to be followed.

¹ Janik v Standards Board for England & Adjudication Panel for England (2007)

- (b) The Investigating Officer presents their report including any documentary evidence or other material and calls their witnesses. No new points will be permitted;
- (c) The Subject Member or their representative may question the Investigating Officer and any witnesses called by the Investigating Officer;
- (d) The Hearing Panel may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer.

4.5 Presentation of the Subject Member's case

- (a) The Subject Member or their representative presents their case and calls their witnesses;
- (b) The Investigating Officer may question the Subject Member and any witnesses called by the Subject Member;
- (c) The Hearing Panel may question the Subject Member and any witnesses called by the Subject Member.

4.6 Summing up

- (a) The Investigating Officer sums up the complaint;
- (b) The Subject Member or their representative sums up their case.

Views/Submissions of the Independent Person

- 4.7 The Chairman will invite the Independent Person to express their view on whether or not they consider that on the facts presented to the Hearing Panel, there has been a breach of the Code of Conduct.

4.8 Deliberations of the Hearing Panel

Deliberation in private

- (a) The Hearing Panel will adjourn the hearing and deliberate in private (assisted on matters of law by a legal advisor) to consider whether or not, on the facts found, the Subject Member has failed to comply with the Code of Conduct.
- (b) The Hearing Panel may at any time come out of private session and reconvene the hearing in public, in order to seek additional evidence from the Investigating Officer, the Subject Member or the witnesses. If further information to assist the Panel cannot be presented, then the Panel may adjourn the hearing and issue directions as to the additional evidence required and by whom.

Announcing decision on facts found

- 4.9 (a) The Hearing Panel will reconvene the hearing in public and the Chairman will announce whether or not on the facts found, the Panel considers that there has been a breach of the Code of Conduct.
- (b) Where the Hearing Panel considers that there has been a breach of the Code of Conduct, the Chairman will invite the Independent Person, the Subject Member and the Monitoring Officer to make their representations as to whether or not any sanctions should be applied and, if so, what form they should take.

- (c) When deciding whether to apply one or more sanctions, the Hearing Panel will ensure that the application of any sanction is reasonable and proportionate to the Subject Member's behaviour. The Hearing Panel will consider the following questions along with any other relevant circumstances or other factors specific to the local environment:
 - (i) What was the Subject Member's intention and did they know that they were failing to follow the County Council's Code of Conduct?
 - (ii) Did the Subject Member receive advice from officers before the incident and was that advice acted on in good faith?
 - (iii) Has there been a breach of trust?
 - (iv) Has there been financial impropriety, e.g. improper expense claims or procedural irregularities?
 - (v) What was the result/impact of failing to follow the County Council's Code of Conduct?
 - (vi) How serious was the incident?
 - (vii) Does the Subject Member accept that they were at fault?
 - (viii) Did the Subject Member apologise to the relevant persons?
 - (ix) Has the Subject Member previously been reprimanded or warned for similar misconduct?
 - (x) Has the Subject Member previously breached of the County Council's Code of Conduct?
 - (xi) Is there likely to be a repetition of the incident?
- (d) Having heard the representations of the Independent Person, the Subject Member and the Monitoring Officer on the application of sanctions, the Hearing Panel will adjourn and deliberate in private.
- (e) If evidence presented to the Hearing Panel highlights other potential breaches of the County Council's Code of Conduct, then the Chairman will outline the Hearing Panel's concerns and recommend that the matter be referred to the Monitoring Officer as a new complaint.

Final Decision

- 4.10 (a) Where the complaint has a number of aspects, the Hearing Panel may reach a finding, apply a sanction and/or make a recommendation on each aspect separately.
- (b) The Hearing Panel will make its decision on the balance of probabilities, based on the evidence before it during the hearing.
- (c) Having taken into account the Independent Person, the Subject Member and the Monitoring Officer's representations on the application of sanctions, the Hearing Panel will reconvene the hearing in public and the Chairman will announce:
 - (i) the Panel's decision as to whether or not the Subject Member has failed to comply with the Code of Conduct, and the principal reasons for the decision;
 - (ii) the sanctions (if any) to be applied;
 - (iii) the recommendations (if any) to be made to the County Council or Monitoring Officer;
 - (iv) that there is no right of appeal against the Panel's decision and/or recommendations.

5. Range of possible sanctions

5.1 Where the Hearing Panel determines that the Subject Member has failed to comply with the Code of Conduct, any one or more of the following sanctions may be applied/recommended:

- (a) Recommending to the County Council that the Subject Member be issued with a formal censure (i.e. the issue of an unfavourable opinion or judgement or reprimand) by motion;
- (b) Recommending to the Subject Member's Group Leader, or in the case of a ungrouped Subject Member, to the County Council that they be removed from committees or sub-committees of the Council;
- (c) Recommending to the Leader of the County Council that the Subject Member be removed from the Cabinet or removed from particular Portfolio responsibilities;
- (d) Instructing the Monitoring Officer [or recommendation to the County Council] to arrange training for the Subject Member;
- (e) Recommending to the County Council that the Subject Member be removed from one or more outside appointments to which they have been appointed or nominated by the County Council;
- (f) Recommending to the County Council that it withdraws facilities provided to the Subject Member by the Council, such as a computer, website and/or email and internet access;
- (g) Recommending to the County Council the exclusion of the Subject Member from the County Council's offices or other premises, with the exception of meeting rooms as necessary for attending County Council committee and sub-committee meetings;
- a. Reporting the Panel's findings to the County Council for information;
- (h) Instructing the Monitoring Officer to apply the informal resolution process;
- (i) Sending a formal letter to the Subject Member;
- (j) Recommending to the County Council to issue a press release or other form of publicity;
- (k) Publishing its findings in respect of the Subject Member's conduct in such manner as the Panel considers appropriate.

5.2 The Hearing Panel has no power to suspend or disqualify the Subject Member or to withdraw basic or special responsibility allowances.

5.3 The Hearing Panel may specify that any sanction take effect immediately or take effect at a later date and that the sanction be time limited.

6. Publication and notification of the Hearing Panel's decision and recommendations

6.1 Within 20 working days of the Hearing Panel's announcement of its decision and recommendations, the Monitoring Officer will publish the name of the Subject Member and a summary of the Hearing Panel's decision and recommendations and reasons for the decision and recommendations on the County Council's website.

6.2 Within 20 working days of the announcement of the Hearing Panel's decision, the Monitoring Officer will provide a full written decision and the reasons for the decision, including any recommendations, in the format of the Decision Notice template below to:

- (a) the Subject Member;

- (b) the Complainant;
- (c) Kent County Council's Standards Committee
- (d) District Council's Standards Committee (*applicable only where the Subject Member is serving at both District and County level*).

6.3 The Monitoring Officer will report the Hearing Panel's decision and recommendations to a meeting of the Standards Committee for information.

TEMPLATE – DECISION NOTICE (of Hearing Panel)

Complaint No: xxxx

On [insert date], the Hearing Panel of Kent County Council considered a report of an investigation into the alleged conduct of [insert name of councillor], a member of Kent County Council. A general summary of the complaint is set out below.

Complaint summary

[Summarise complaint in numbered paragraphs as set out in the Investigating Officer's report to the Hearing Panel]

Consultation with Independent Person

[Summarise the Independent Person's views in numbered paragraphs]

Findings

After considering the submissions of the parties to the hearing and the views of the Independent Person, the Hearing Panel reached the following decision(s):

[Summarise the finding of facts and the Hearing Panel's decision against each finding of fact in numbered paragraphs as set out in the Investigating Officer's report to the Hearing Panel but substitute the Investigating Officer for the Hearing Panel. Please note that the Hearing Panel's findings may differ from that of the Investigating Officer]

The Hearing Panel also made the following recommendation(s)

[Detail recommendations]

Sanctions applied

The breach of the Kent County Council's Code of Conduct warrants a [detail sanctions applied].

Appeal

There is no right of appeal against the Hearing Panel's decision.

Notification of decision

This decision notice is sent to the:

- Councillor [name of councillor]
- Complainant
- Monitoring Officer
-

Kent County Council's Standards Committee

- District Council's Standards Committee (*applicable only where the Subject Member is serving at both District and County level*).

Additional help

If you need additional support in relation to this decision notice or future contact with the County Council, please let us know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010. We can also help if English is not your first language. Please refer to the attached Community Interpreting Service leaflet or contact our Customer Services on [insert telephone number] or email [insert email address].

Signed:**Date****Print name:**

Chairman of the Hearing Panel
c/o Democratic Services
Sessions House
County Hall
Maidstone
Kent County Council
ME14 1XQ

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